

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS **FILED**  
EASTERN DIVISION

JAN 27 1982

DOCKETED  
JAN 28 1982

BALLY MANUFACTURING CORPORATION, )

Plaintiff, )

v. )

D. GOTTLIEB & CO., )  
WILLIAMS ELECTRONICS, INC., )  
ROCKWELL INTERNATIONAL CORPORATION, )  
and GAME PLAN, INCORPORATED, )

Defendants. )

H. STUART CUNNINGHAM  
CLERK, U. S. DISTRICT COURT

CIVIL ACTION NO.

80 C 5048 ✓

78C 2246 ✓

JUDGE GRADY

MOTION FOR STAY OF DISCOVERY  
PENDING DISPOSITION OF RELATED CASE  
AND ARGUMENT IN SUPPORT

Defendants, D. Gottlieb & Co. ("Gottlieb"), Rockwell International Corporation ("Rockwell"), Williams Electronics, Inc. ("Williams"), Game Plan, Incorporated ("Game Plan"), respectfully move this Court for a stay of all discovery proceedings in this case.

As the Court is aware, a related case had previously been brought by Bally Manufacturing Corporation ("Bally") against Defendants Gottlieb, Rockwell, and Williams Electronics, Inc. (Civil Action No. 78 C 2246). That earlier case involves an assertion by Bally that the Defendants are infringing a United States Patent of Bally directed to a microprocessor controlled pinball game. Discovery in that case has been

closed since April 1, 1980, except for selected depositions made necessary by proceedings in the United States Patent and Trademark Office.

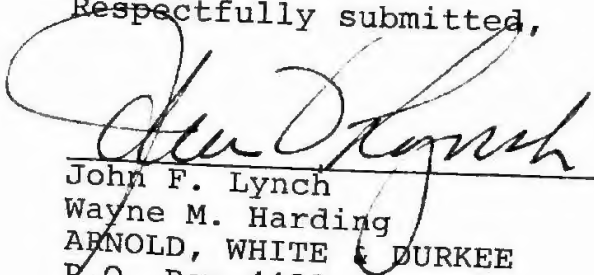
As brought out in Defendants' co-pending Motion seeking a trial date in that related case, the proceedings in the United States Patent and Trademark Office appear to be substantially complete insofar as the Court's expressed interests are concerned. The Examining Group in the Patent and Trademark Office has indicated final action within the next two weeks, possibly sooner.

Bally has now initiated extensive discovery requests seeking to have Defendants Gottlieb and Rockwell produce documents and yield depositions on substantially the same issues on which discovery was conducted in the prior case. The requests are extremely extensive and cover areas previously inquired into. (See copies attached.) The patent involved in this case is also directed to a microprocessor controlled pinball machine. However, the discovery being sought in this action grossly overlaps discovery already had in Civil Action No. 78 C 2246, and attorney efforts virtually will be duplicated.

Upon trial of Civil Action No. 78 C 2246 there will be determinations of fact regarding the applicability of prior art which Defendants believe will be determinative of many

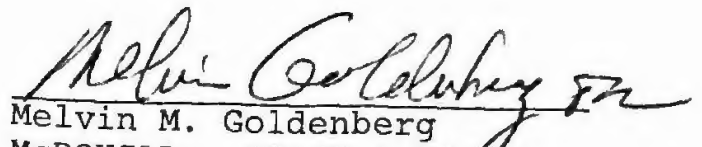
issues in this litigation. For example, in this case the Court will determine the applicability of standard design techniques used by microprocessor engineers to pinball. The trial will also determine facts relating to the level of skill in the electronic games art. Bally's position as to non-obviousness depends heavily on its contention that pinball is somehow "unique" and that no standard techniques may be used in designing such games. All of the pinball games being charged with infringement in this action have been charged with infringement in the related action. Although, there is additional third party discovery which must be pursued to prepare this action for trial, it would be far more economical to defer that discovery until a trial can be had in Civil Action No. 78 C 2246.

Respectfully submitted,



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Attorneys for Defendants -- D.  
Gottlieb & Co. and Rockwell  
International Corporation



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Attorney for Defendant -- Williams  
Electronics, Inc.



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& MILNAMOW, LTD.  
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Chicago, Illinois 60601  
(312) 527-4025

Attorney for Defendant -- Game  
Plan, Incorporated

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

BALLY MANUFACTURING CORPORATION,

Plaintiff,

v.

D. GOTTLIEB & CO.,  
WILLIAMS ELECTRONICS, INC.,  
ROCKWELL INTERNATIONAL CORPORATION,  
and GAME PLAN, INCORPORATED,

Defendants.

CIVIL ACTION  
No. 80 C 5048

Judge Grady

NOTICE OF DEPOSITION

TO: Gerson E. Meyers, Esq.  
Dressler, Goldsmith, Shore,  
Sutker & Milnamow, Ltd.  
1800 Prudential Plaza  
Chicago, Illinois 60601

John F. Lynch, Esq.  
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Melvin M. Goldenberg, Esq.  
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Chicago, Illinois 60603

Howard Arvey, Esq.  
Arvey, Hodes, Costello  
& Burman  
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38th Floor  
Chicago, Illinois 60601

PLEASE TAKE NOTICE that at 10:00 a.m. on the 19th day of January, 1982, at the offices of Fitch, Even, Tabin, Flannery & Welsh, Suite 900, 135 South LaSalle Street, Chicago, Illinois 60603, or other place so agreed to by counsel for the parties, the plaintiff will take the deposition of D. Gottlieb & Co. (hereinafter Gottlieb) through persons designated by Gottlieb under Rule 30(b)(6) to testify with respect to the following matters:

- 1) A person or persons who determined which documents and things should be produced in response to the document requests attached hereto;
- 2) A person or persons who supervised the collection of documents and things pursuant to the document requests attached hereto;
- 3) A person or persons who took part in the collecting of documents and things pursuant to the document requests attached hereto; and
- 4) A person or persons knowledgeable about the files that the documents which are being produced pursuant to the document requests attached hereto came from;

upon oral examination pursuant to the Federal Rules of Civil Procedure before a Notary Public or other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed or until adjourned by attorney for plaintiff.

The witnesses and Gottlieb are requested to bring with them to the deposition the originals of all documents and things listed in Exhibit A attached hereto.

You are invited to attend and cross-examine.

BALLY MANUFACTURING CORPORATION

Jerold B. Schnayer  
Donald L. Welsh  
A. Sidney Katz  
Jerold B. Schnayer  
Fitch, Even, Tabin, Flannery & Wel  
135 South LaSalle Street  
Chicago, Illinois 60603  
(312) 372-7842

Attorneys for Plaintiff

December 31, 1981

EXHIBIT "A" TO SUBPOENA

1. All documents which refer or relate to the design or development (or attempts to design and develop whether or not successful) by or for Gottlieb of solid-state electronic pinball machines or electrical parts thereof.

2. The following documents for each model of solid-state electronic pinball machine manufactured or sold by Gottlieb from January 1, 1976, to the present:

- a) Sales brochures;
- b) Instruction manuals;
- c) Service manuals;
- d) Repair manuals;
- e) Maintenance manuals;
- f) Parts catalogs;
- g) Computer program listings;
- h) Flow chart of Computer programs;
- i) Complete set of electrical drawings;
- j) Sample of each advertisement;
- k) Sample of each promotional material; and
- l) Sample of each sales letter.

3. All documents which refer or relate to the electrical operation of any and all solid-state electronic pinball machines manufactured and/or sold by Gottlieb from January 1, 1977, to the present.



4. All documents which refer or relate to, and things that relate to, the design or development (or attempts to design or develop whether or not successful) of solid-state electronic pinball machines or electrical parts thereof by anybody other than Gottlieb.

5. All documents which refer or relate to, and things that relate to, the design or development (or attempts to design and develop whether or not successful) of solid-state electronic games by any of the following companies or individuals:

- a) Dave Nutting Associates
- b) Milwaukee Coin Industries Ltd. (MCI)
- c) Atari Incorporated
- d) Cyan Engineering
- e) Ramtek Corporation
- f) Intel Corporation
- g) Motorola Inc.
- h) Bally Manufacturing Corporation
- i) Texas Instruments Inc.
- j) George Bronk
- k) Ernie Bromley
- l) Colin Foster
- m) National Semiconductor Corporation
- n) Mirco Inc.
- o) Brunswick Corporation

- p) EMU Electronics, Incorporated
- q) Casino Electronics, Inc.
- r) United Games Inc.
- s) Seeburg Corporation
- t) Rockwell International Corporation
- u) Microcomputer Associates, Inc.
- v) Compata Incorporated

6. All documents and things which refer or relate to the subject matter of this lawsuit, the patent in suit, United States Patent No. 4,093,232, or Civil Action No. 78 C 2246 (filed in the District Court for the Northern District of Illinois), including but not limited to documents which refer or relate to work done by or for the companies or individuals listed in request No. 5 above and which refer or relate to the subject matter of either of these lawsuits or patents.

7. All documents which refer or relate to the design, development (or attempts to design or develop whether or not successful), manufacture or sale of solid-state pinball machines or electrical parts thereof by Mirco Inc.

8. All documents which refer or relate to each allegation or the subject matter of each allegation made by Gottlieb in paragraphs 8, 10-13, 18-20, 25-32, 37 and 38 of "Original Answer and Counterclaim of Defendant D. Gottlieb & Co." dated November 10, 1980.

9. All documents which refer or relate to the gathering of documents pursuant to the subpoena duces tecum attached hereto.

10. All documents which refer or relate to the number or dollar value of pinball machines made or sold by pinball machine manufacturers (including but not limited to Gottlieb) in the United States or anywhere else in the world from January 1, 1974 to the present.

11. All market surveys, market reports or customer surveys on or involving solid-state electronic pinball machines.

12. All documents which refer or relate to the structure, operation, performance or marketability of any and all solid-state electronic pinball machines or electrical parts thereof.

13. Copies of all printed publications having a publication date prior to November 19, 1975 (the filing date of United States Patent No. 4,198,051) which mentions or discloses the incorporation into, or use in, a pinball game device of a microprocessor.

14. Copies of all printed articles or news stories appearing in technical or trade magazines, newspapers, technical trade conference proceedings or books subsequent to January 1, 1974, and containing a direct quote or paraphrased version of a statement credited by the author to have been made by any Gottlieb person, and dealing with pinball machines.

15. All documents (including magazine articles, news items, books, and manuals or information sheets disseminated by manufacturers of microprocessors) published prior to November 19, 1975, which discuss, describe or refer to microprocessors.

16. All documents which refer or relate to any and all solid-state electronic pinball machines or electrical parts thereof made or sold by Bally Manufacturing Corporation (or any of its subsidiaries).

17. All documents which refer to or relate to the design, development, manufacture or sale of any and all solid-state electronic pinball machines constructed, made or sold by Gottlieb.

18. All documents which refer to, relate to, or reflect the reasons for Gottlieb's introduction of a solid-state electronic pinball machine into its product line or the decision for such introduction.

19. All documents which refer to, relate to, or reflect the reasons for not introducing a solid-state electronic pinball machine into Gottlieb's product line.

20. All documents which refer to or relate to or reflect Gottlieb's reasons to begin or continue the design, development, manufacture or sale of pinball machines having an electronic or solid-state control system (as distinguished from an electromechanical system).

21. Separately, for each and every model of pinball machines made or sold by Gottlieb from January 1, 1974, to the present, such documents as will disclose the number of pinball machines sold by Gottlieb or the dollar sales of said pinball machines.

22. All documents which refer to or relate to the preparation, filing, and prosecution of any patent application prepared or proposed for filing, pending or issued, and disclosing subject matter embodied in any solid-state electronic pinball machine made or sold by Gottlieb.

23. All test specifications and test reports on any and all solid-state electronic pinball machines or electrical parts thereof.

24. All market surveys, market reports or customer surveys on or involving solid-state electronic pinball machines.

25. All documents including any statement relating to the structure, operation, performance or marketability of any and all solid-state electronic pinball machines.

26. All documents relating to agreements and negotiations with respect thereto between Gottlieb and anyone else concerning:

- (a) any indemnification for liability in connection with the manufacture or sale of solid-state electronic pinball machines.
- (b) the design or development of solid-state electronic pinball machines or electrical parts thereof.

(c) the manufacture or assembly of solid-state electronic pinball machines.

(d) the testing of solid-state electronic pinball machines.

27. All documents which refer to the patent rights or potential or prospective patent rights of Bally Manufacturing Corporation and authored or prepared by Gottlieb:

(a) prior to September 19, 1980.

(b) subsequent to September 19, 1980.

28. (a) All correspondence between Gottlieb and anyone else concerning the design, development, manufacture or sale of solid-state electronic pinball machines or electrical parts thereof.

(b) All notes, memoranda, sketches, drawings and other documents referring or relating to the design, development, manufacture or sale to which reference is made in Part (a) of this request.

29. (a) All correspondence between Gottlieb and Rockwell International Corporation or North American Rockwell (including correspondence between their respective attorneys) relating to:

(1) Solid-state electronic pinball machines or electrical parts thereof;

(2) This action or the patent in suit;

(b) All notes, memoranda, sketches, drawings and other documents referring or relating to the subject matters of the correspondence to which reference is made in Part (a) of this request.

30. All correspondence between Gottlieb and the other defendants in this lawsuit concerning or relating to:

- (a) Solid-state electronic pinball machines or electrical parts thereof;
- (b) This action or the patent in suit;
- (c) United States Patent No. 4,093,232;
- (d) Civil Action No. 78 C 2246 (filed in the District Court for the Northern District of Illinois); or
- (e) Reissue proceedings before the Patent and Trademark Office concerning Reissue Application Serial No. 936,784 (which is based on U.S. Patent No. 4,093,232).

31. a) All correspondence between Gottlieb and anyone else (not employed by Gottlieb or representing Gottlieb as an attorney or agent) concerning or relating to this action, the patent in suit, United States Patent No. 4,093,232, Civil Action No. 79 C 713 (filed in the District Court for the Northern District of Illinois), or Reissue proceedings before the Patent and Trademark Office concerning Reissue Application Serial No. 936,784 (which is based on U.S. Patent No. 4,093,232).

b) All notes, memoranda, sketches, drawings and other documents referring or relating to the subject matters of the correspondence to which reference is made in Part (a) of this request.

32. All documents which refer or relate to reissue proceedings before the Patent and Trademark Office concerning Reissue Application Serial No. 936,784 (which is based on U.S. Patent No. 4,093,232).

33. All documents which were made or are dated prior to January 1, 1977, and which refer or relate to the sale or attempted sale of microprocessors to pinball machine manufacturers.

34. Any and all documents which were generated or are dated prior to January 1, 1977, and which refer or relate to the use or proposed use of microprocessors in pinball machines.

35. Any and all documents which were generated prior to January 1, 1977, and which refer or relate to the application of microprocessor technology to games including but not limited to pinball machines.

36. Any and all documents referring or relating to courses or the subject matter of courses taught by either Manuel R. Lemas or Raymond M. Holt concerning microprocessor technology including but not limited to Intel Microcomputer Workshops.

37. All documents which refer to or relate to contacts occurring in the years 1973, 1974 or 1975 between (i) employees



or representatives of Intel Corporation or any of its corporate subsidiaries and (ii) employees or representatives of Atari Incorporated.

38. All documents which refer or relate to United States Patent Application Serial No. 846,247 or any continuation or divisional applications related thereto.

39. All documents which refer or relate to the design, development (attempts to design or develop whether or not successful), manufacture or sale of solid-state electronic pinball machines or electrical parts thereof by Mirco Inc.

40. All documents which refer or relate to contacts between Dave Nutting Associates and Mirco Inc.

41. All documents which refer or relate to the patentability or potential patentability of the subject matter of any and all work done by Gottlieb which concerned the design or development of solid-state electronic pinball machines.

As used herein, the term "document" includes but is not limited to any letter, intra-company communication, note, memorandum, report, record, minutes of meetings, patent, patent application, printed publication, article, instruction, work assignment, notebook, draft, worksheet, drawing, sketch, photograph, chart, advertisement, catalog, brochure, news release, trade publication, invoice, program and any other written, recorded or graphic material however produced or reproduced,

and, in the absence of the original, a copy thereof and any copy bearing markings thereon not present in the original or other copy thereof.

If any document or thing requested above is not produced or is withheld, under claim of privilege, supply the following information, separately for each document:

a) author(s) and title(s), recipient(s) and title(s), type of document (letter, memorandum, etc.), general subject matter, date, and number of pages;

b) name and job description of each individual to whom the contents of the document have heretofore been communicated;

c) identification as in subparagraph (a), of each document transmitted with or attached to the document withheld;

d) whether any business or non-legal matter is contained or discussed in the document, together with a description of any such subject matter;

e) the paragraphs(s) of the foregoing requests that require(s) production of the document.

As used herein the term "Gottlieb" includes D. Gottlieb & Co., the predecessors thereof, all companies controlled by it, all companies controlling it, and all of its officers, employees, attorneys, counsel, agents, and representatives.

The above list of documents specifically excludes any documents which were previously produced in the 78 C 2246 lawsuit.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

FILED 1982

BALLY MANUFACTURING CORPORATION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION
	)	No. 80 C 5048
D. GOTTLIEB & CO.,	)	
WILLIAMS ELECTRONICS, INC.,	)	
ROCKWELL INTERNATIONAL CORPORATION	)	Judge Grady
and GAME PLAN, INCORPORATED,	)	
	)	
Defendants.	)	

NOTICE OF DEPOSITION

TO: Gerson E. Meyers, Esq.  
Dressler, Goldsmith, Shore,  
Sutker & Milnamow, Ltd.  
1800 Prudential Plaza  
Chicago, Illinois 60601

John F. Lynch, Esq.  
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Melvin M. Goldenberg, Esq.  
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Chicago, Illinois 60603

Howard Arvey, Esq.  
Arvey, Hodes, Costello  
& Burman  
180 N. LaSalle Street  
38th Floor  
Chicago, Illinois 60601

PLEASE TAKE NOTICE that at 10:00 a.m. on the 9th day of February, 1982, at the offices of Fitch, Even, Tabin, Flannery & Welsh, Suite 900, 135 South LaSalle Street, Chicago, Illinois 60603, or other place so agreed to by counsel for the parties, the plaintiff will take the deposition of Rockwell International Corporation (hereinafter Rockwell) through persons designated by Rockwell under Rule 30(b)(6) to testify with respect to the following matters:

- 1) Work done by or for Rockwell from January 1, 1980, to the present concerning or relating to the design or development of solid-state electronic pinball machine controllers.
- 2) The software design of solid-state electronic pinball machine controllers manufactured and/or sold by Rockwell from January 1, 1980, to the present.
- 3) The hardware design of solid-state electronic pinball machine controllers manufactured and/or sold by Rockwell from January 1, 1980, to the present.
- 4) Contacts between Rockwell and D. Gottlieb & Co. concerning or relating to the design, development, manufacture or sale of solid-state electronic pinball machine controllers from January 1, 1980, to the present;
- 5) Contacts between Rockwell and Brunswick Corporation concerning or relating to the design, development, manufacture or sale of solid-state electronic pinball machine controllers from January 1, 1980, to the present;

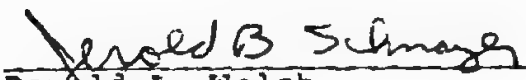
upon oral examination pursuant to the Federal Rules of Civil Procedure before a Notary Public or other officer authorized by

law to administer oaths. The oral examination will continue from day to day until completed or until adjourned by attorney for plaintiff.

The witnesses and Rockwell are requested to bring with them to the deposition the originals of all documents and things listed in Exhibit A attached hereto.

You are invited to attend and cross-examine.

BALLY MANUFACTURING CORPORATION

  
Donald L. Welsh  
A. Sidney Katz  
Jerold B. Schnayer  
Fitch, Even, Tabin, Flannery & Welsh  
135 South LaSalle Street  
Chicago, Illinois 60603  
(312) 372-7842

Attorneys for Plaintiff

December 31. 1981

EXHIBIT "A" TO SUBPOENA

1. All documents which refer or relate to the design or development (or attempts to design and develop whether or not successful) by or for Rockwell of solid-state electronic pinball machine controllers or electrical parts thereof.

2. The following documents for each model of solid-state electronic pinball machine controller manufactured or sold by Rockwell from January 1, 1976, to the present:

- a) Sales brochures;
- b) Instruction manuals;
- c) Service manuals;
- d) Repair manuals;
- e) Maintenance manuals;
- f) Parts catalogs;
- g) Computer program listings;
- h) Flow chart of Computer programs;
- i) Complete set of electrical drawings;
- j) Sample of each advertisement;
- k) Sample of each promotional material; and
- l) Sample of each sales letter.

3. All documents which refer or relate to the electrical operation of any and all solid-state electronic pinball machine controllers designed, manufactured and/or sold by Rockwell from January 1, 1975, to the present.

-----

4. All documents which refer or relate to, and things that relate to, the design or development (or attempts to design or develop whether or not successful) of solid-state electronic pinball machines or electrical parts thereof by anybody other than Rockwell.

5. All documents which refer or relate to, and things that relate to, the design or development (or attempts to design and develop whether or not successful) of solid-state electronic games by any of the following companies or individuals:

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- b) Milwaukee Coin Industries Ltd. (MCI)
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- f) Intel Corporation
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- j) George Bronk
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- l) Colin Foster
- m) National Semiconductor Corporation
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- p) EMU Electronics, Incorporated
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- r) United Games Inc.
- s) Seeburg Corporation
- t) Microcomputer Associates, Inc.
- u) Compata Incorporated

6. All documents and things which refer or relate to the subject matter of this lawsuit, the patent in suit, United States Patent No. 4,093,232, or Civil Action No. 78 C 2246 (filed in the District Court for the Northern District of Illinois) including but not limited to documents which refer or relate to work done by or for the companies or individuals listed in request No. 5 above and which refer or relate to the subject matter of either of these lawsuits or patents.

7. All documents which refer or relate to contacts between Rockwell and D. Gottlieb & Co. (or any of its subsidiaries) or Brunswick Corporation (or any of its subsidiaries) concerning or relating to the design, development (or attempts to design or develop whether or not successful), manufacture and/or sale of solid-state electronic pinball machine controllers or electrical parts thereof.

8. All documents which refer or relate to each allegation or the subject matter of each allegation made by Rockwell in paragraphs 8, 18-20, and 25-34 of "Answer of Defendant Rockwell International Corporation" dated September 28, 1981.



9. All documents which refer or relate to the gathering of documents pursuant to the subpoena duces tecum attached hereto.

10. All documents which refer or relate to the number or dollar value of solid-state electronic pinball machine controllers made or sold by Rockwell in the United States or anywhere else in the world from January 1, 1975, to the present.

11. All market surveys, market reports or customer surveys on or involving solid-state electronic pinball machines or solid-state electronic pinball machine controllers.

12. All documents which refer or relate to the structure, operation, performance or marketability of any and all solid-state electronic pinball machines or solid-state electronic pinball machine controllers.

13. Copies of all printed publications having a publication date prior to November 19, 1975 (the filing date of United States Patent No. 4,198,051) which mentions or discloses the incorporation into, or use in, a pinball game device of a microprocessor.

14. Copies of all printed articles or news stories appearing in technical or trade magazines, newspapers, technical trade conference proceedings or books subsequent to January 1, 1974, and containing a direct quote or paraphrased version of a statement credited by the author to have been made by any Rockwell person, and dealing with pinball machines.

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17. All documents which refer to, relate to, or reflect the reasons for Rockwell's introduction of a solid-state electronic pinball machine controller into its product line or the decision for such introduction.

18. All documents which refer to, relate to, or reflect the reasons for not introducing a solid-state electronic pinball machine into Rockwell's product line.

19. All documents which refer to or relate to the preparation, filing, and prosecution of any patent application prepared or proposed for filing, pending or issued, and disclosing subject matter embodied in any solid-state electronic pinball machine controller made or sold by Rockwell.

20. All test specifications and test reports on any and all solid-state electronic pinball machine controllers made or sold by Rockwell.

21. All market surveys, market reports or customer surveys on or involving solid-state electronic pinball machines or solid-state electronic pinball machine controllers.

22. All documents including any statement relating to the structure, operation, performance or marketability of any and all solid-state electronic pinball machines or solid-state electronic pinball machine controllers.

23. All documents relating to agreements and negotiations with respect thereto between Rockwell and anyone else (including but not limited to D. Gottlieb & Co.) concerning:

- (a) any indemnification for liability in connection with the manufacture or sale of solid-state electronic pinball machines or solid-state electronic pinball machine controllers.
- (b) the design or development of solid-state electronic pinball machines or solid-state electronic pinball machine controllers..
- (c) the manufacture or assembly of solid-state electronic pinball machines or solid-state electronic pinball machine controllers.
- (d) the testing of solid-state electronic pinball machines or solid-state electronic pinball machine controllers.

24. All documents which refer to the patent rights or potential or prospective patent rights of Bally Manufacturing Corporation and authored or prepared by Rockwell:

- (a) prior to September 19, 1980.
- (b) subsequent to September 19, 1980.

25. (a) All correspondence between Rockwell and anyone else concerning the design, development, manufacture or sale of solid-state electronic pinball machines or solid-state electronic pinball machine controllers.

(b) All notes, memoranda, sketches, drawings and other documents referring or relating to the design, development, manufacture or sale to which reference is made in Part (a) of this request.

26. (a) All correspondence between Rockwell and D. Gottlieb & Co. (including correspondence between their respective attorneys) relating to:

(1) solid-state electronic pinball machines or solid-state electronic pinball machine controllers.

(2) this action or the patent in suit.

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(a) Solid-state electronic pinball machines or solid-state electronic pinball machine controllers;

(b) This action or the patent in suit;

(c) United States Patent No. 4,093,232;

(d) Civil Action No. 78 C 2246 (filed in the District Court for the Northern District of Illinois); or

- (e) Reissue proceedings before the Patent and Trademark Office concerning Reissue Application Serial No. 936,784 (which is based on U.S. Patent No. 4,093,232).

28. (a) All correspondence between Rockwell and anyone else (not employed by Rockwell or representing Rockwell as an attorney or agent) concerning or relating to this action, the patent in suit, United States Patent No. 4,093,232, Civil Action No. 78 C 2246 (filed in the District Court for the Northern District of Illinois), or Reissue proceedings before the Patent and Trademark Office concerning Reissue Application Serial No. 936,784 (which is based on U.S. Patent No. 4,093,232).

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30. All documents which refer or relate to the sale or attempted sale of microprocessors to pinball machine manufacturers.

31. All documents which were generated or are dated prior to January 1, 1977, and which refer or relate to the use

or proposed use of microprocessors in pinball machines.

32. Any and all documents which were generated prior to January 1, 1977, and which refer or relate to the application of microprocessor technology to games including but not limited to pinball machines.

33. Any and all documents referring or relating to courses or the subject matter of courses taught by either Manuel R. Lemas or Raymond M. Holt concerning microprocessor technology including but not limited to Intel Microcomputer Workshops.

34. All documents which refer to or relate to contacts occurring in the years 1973, 1974 or 1975 between (i) employees or representatives of Intel Corporation or any of its corporate subsidiaries and (ii) employees or representatives of Atari Incorporated.

35. All documents which refer or relate to United States patent application Serial No. 846,247 or any continuation or divisional applications related thereto.

36. All documents which refer or relate to the design, development (or attempts to design or develop whether or not successful), manufacture or sale of solid-state electronic pinball machines or electrical parts thereof by Mirco Inc.

37. All documents including but not limited to expense records which refer or relate to any contacts which occurred during the years 1973 through 1976, inclusive, including but not

limited to trips, by any and all persons with any pinball manufacturers, prospective pinball manufacturers, or pinball game designers including but not limited to Milwaukee Coin Industries (MCI) which was located in Milwaukee, Wisconsin, Dave Nutting Associates which was located in Arlington Heights, Illinois, Bally Manufacturing Corporation, or Midway Manufacturing Corporation.

38. All documents including but not limited to expense records which refer or relate to any contacts which occurred during the years 1973 through 1976, inclusive, including but not limited to trips, by any and all employees or agents of Rockwell with any pinball manufacturers, prospective pinball manufacturers, or pinball game designers.

39. All documents including but not limited to expense records which refer or relate to any contacts which occurred during the years 1973 through 1976, inclusive, including but not limited to trips, by any and all employees or agents of Rockwell to Milwaukee Coin Industries (MCI) which was located in Milwaukee, Wisconsin, Dave Nutting Associates which was located in Milwaukee, Wisconsin, Dave Nutting Associates which was located in Arlington Heights, Illinois, Bally Manufacturing Corporation, or Midway Manufacturing Corporation.

40. All documents including but not limited to expense records which refer or relate to any contacts which occurred

during the years 1973 through 1976, inclusive, including but not limited to trips, by any and all employees or agents of The John G. Twist Company to any pinball manufacturers, prospective pinball manufacturers, or pinball game designers.

41. All documents including but not limited to expense records which refer or relate to any contacts which occurred during the years 1973 through 1976, inclusive, including but not limited to trips, by any and all employees or agents of The John G. Twist Company to Milwaukee Coin Industries (MCI) which was located in Milwaukee, Wisconsin, Dave Nutting Associates which was located in Milwaukee, Wisconsin, Dave Nutting Associates which was located in Arlington Heights, Illinois, Bally Manufacturing Corporation, or Midway Manufacturing Corporation.

42. All documents including but not limited to expense records which refer to or relate to any contacts which occurred during the years 1973 through 1976, inclusive, including but not limited to trips, by local representatives of Rockwell including but not limited to Al Carey, to any pinball manufacturers, prospective pinball manufacturers, or pinball game designers.

43. All documents including but not limited to expense records which refer to or relate to any contacts which occurred during the years 1973 through 1976, inclusive, including but not limited to trips, by local representatives of Rockwell including but not limited to Al Carey, to Milwaukee Coin Industries (MCI)



which was located in Milwaukee, Wisconsin, Dave Nutting Associates which was located in Milwaukee, Wisconsin, Dave Nutting Associates which was located in Arlington Heights, Illinois, Bally Manufacturing Corporation, or Midway Manufacturing Corporation.

44. All documents which refer or relate to any actions taken or statements made by any and all persons as the result of any contacts with any employees or agents of pinball manufacturers, prospective pinball manufacturers, or pinball game designers including but not limited to contacts with any employees or agents of Milwaukee Coin Industries (MCI) which was located in Milwaukee, Wisconsin, Dave Nutting Associates which was located in Milwaukee, Wisconsin, Dave Nutting Associates which was located in Arlington Heights, Illinois, Bally Manufacturing Corporation, or Midway Manufacturing Corporation.

45. All documents which refer or relate to any actions taken or statements made by any and all employees or agents of Rockwell during the years 1973 through 1976, inclusive, as the result of any contacts with any employees or agents of any pinball manufacturers, prospective pinball manufacturers, or pinball game designers.

46. All documents which refer or relate to any actions taken or statements made by any and all employees or agents of Rockwell during the years 1973 through 1976, inclusive, as the

result of any contacts with any employees or agents of Milwaukee Coin Industries (MCI) which was located in Milwaukee, Wisconsin, Dave Nutting Associates which was located in Milwaukee, Wisconsin, Dave Nutting Associates located in Arlington Heights, Illinois, Bally Manufacturing Corporation, or Midway Manufacturing Corporation.

47. All documents which refer or relate to any actions taken or statements made by any and all employees or agents of The John G. Twist Company during the years 1973 through 1976, inclusive, as the result of any contacts with any employees or agents of any pinball manufacturers, prospective pinball manufacturers, or pinball game designers.

48. All documents which refer or relate to any actions taken or statements made by any and all employees or agents of The John G. Twist Company during the years 1973 through 1976, inclusive, as the result of any contacts with any employees or agents of Milwaukee Coin Industries (MCI) which was located in Milwaukee, Wisconsin, Dave Nutting Associates located in Arlington Heights, Illinois, Bally Manufacturing Corporation, or Midway Mfg. Co.

49. All documents which refer or relate to any actions taken or statements made by representatives of Rockwell including but not limited to Al Carey, during the years 1973 through 1976, inclusive, as the result of any contacts with any

employees or agents of any pinball manufacturers, prospective pinball manufacturers, or pinball game designers.

50. All documents which refer or relate to any actions taken or statements made by representatives of Rockwell including but not limited to Al Carey, during the years 1973 through 1976, inclusive, as the result of any contacts with any employees or agents of Milwaukee Coin Industries (MCI) which was located in Milwaukee, Wisconsin, Dave Nutting Associates which was located in Arlington Heights, Illinois, Bally Manufacturing Corporation, or Midway Mfg. Co.

51. All documents which refer or relate to the patentability or potential patentability of the subject matter of any and all work done by Rockwell which concerned the design or development of solid-state electronic pinball machine controllers.

As used herein, the term "document" includes but is not limited to any letter, intra-company communication, note, memorandum, report, record, minutes of meetings, patent, patent application, printed publication, article, instruction, work assignment, notebook, draft, worksheet, drawing, sketch, photograph, chart, advertisement, catalog, brochure, news release, trade publication, invoice, program and any other written, recorded or graphic material however produced or reproduced, and, in the absence of the original, a copy thereof and any copy bearing markings thereon not present in the original or other copy thereof.

If any document or thing requested above is not produced or is withheld, under claim of privilege, supply the following information, separately for each document:

- a) author(s) and title(s), recipient(s) and title(s), type of document (letter, memorandum, etc.), general subject matter, date, and number of pages;
- b) name and job description of each individual to whom the contents of the document have heretofore been communicated;
- c) identification as in subparagraph (a), of each document transmitted with or attached to the document withheld;
- d) whether any business or non-legal matter is contained or discussed in the document, together with a description of any such subject matter;
- e) the paragraphs(s) of the foregoing requests that require(s) production of the document.

As used herein the term "Rockwell" includes Rockwell International Corporation, the predecessors thereof, all companies controlled by it, all companies controlling it, and all of its officers, employees, attorneys, counsel, agents, and representatives.

The above list of documents specifically excludes any documents which were previously produced in the 78 C 2246 lawsuit.